

AMENDED IN ASSEMBLY APRIL 26, 2010

AMENDED IN ASSEMBLY APRIL 14, 2010

AMENDED IN ASSEMBLY MARCH 10, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1741

Introduced by Assembly Member Coto

February 8, 2010

An act to ~~add Section 53204 to~~ *amend Sections 47605, 47607, and 53202 of the Education Code, relating to public schools.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1741, as amended, Coto. ~~Public Charter schools: persistently lowest-achieving schools.~~

~~The federal American Recovery and Reinvestment Act of 2009 provides \$4.3 billion for the State Incentive Grant Fund (Race to the Top Fund), which is a competitive grant program designed to encourage and reward states that are implementing specified educational objectives. The United States Secretary of Education has issued regulations and guidelines regarding state eligibility under the Race to the Top program, including specified provisions relating to turning around schools identified as persistently lowest-achieving schools. Under those provisions, a~~ Existing law authorizes one or more persons seeking to establish a charter school within a school district to submit a petition to the governing board of the school district for review. The governing board may deny the petition if it makes certain findings.

This bill would also authorize a governing board to deny a petition for the establishment of a charter school in which at least 15% of the pupils who will be served are English learners, and the petition does

not contain a reasonably comprehensive description of certain program requirements relating to the needs of English learners. The bill would also require the entity that granted the charter, prior to renewing it, to consider the degree to which the school implemented those programs in determining whether the school's academic performance is at least equal to that of the other schools in the school district, prior to renewing it.

Existing law requires the local educational agency governing a school identified as a persistently lowest-achieving school ~~is required~~ to implement one of 4 interventions, as specified under ~~those~~ certain federal regulations and guidelines. Under the restart model, one of the specified interventions, a local educational agency would convert a school ~~or closes and reopens, or would close and reopen~~ a school, under a charter school operator, a charter management organization, or an education management organization.

This bill would require ~~a local educational agency that selects the restart model as an intervention model to consider certain additional factors relating to the needs of English learners when approving a petition for the establishment of a charter school, and would also require a chartering authority to consider those factors in determining whether to grant the renewal of a charter granted in accordance with those provisions.~~ a petition for the establishment or renewal of a charter school pursuant to those provisions to meet the requirements that would otherwise apply to charter schools. By imposing additional requirements on local educational agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the following:

(a) Senate Bill 1, enacted as Chapter 2 of the Fifth Extraordinary Session of the Statutes of 2010, requires the local educational agency of a school identified as a persistently lowest-achieving school to implement one of four intervention models specified under federal provisions for purposes of implementing the federal Race to the Top program. Pursuant to one of those intervention models, the restart model, a local educational agency would convert a school or closes and reopens a school, or close and reopen a school, under a charter school operator, a charter management organization, or an education management organization.

(b) The option of converting a school to a charter school can be troubling to parents of and advocates for English learners. Little data is maintained about the success of English learners in charter schools, and English learners are conspicuously underrepresented in the enrollment of many charter schools.

SEC. 2. Section 53204 is added to the Education Code, to read:

53204. (a) A petition for the establishment of a charter school pursuant to paragraph (2) of subdivision (a) of Section 53202 shall, in addition to meeting the requirements set forth in Section 47605, include a reasonably comprehensive description of all of the following:

(1) A description of the program design that will provide programs and core courses to meet the academic, language, and cultural needs of English learners at the school.

(2) The means by which administrators and staff qualified to teach English learners will be hired at the school.

(3) The manner in which a relevant outreach program will be implemented that reaches parents and assists them in being involved in the school and understanding how the charter school process works.

(4) A description of the programs and staffing that will be implemented and designed to enable non-English-speaking parents to participate fully as partners in their children's education at the school.

(5) If the petitioner currently operates other charter schools, a description of the programs designed for English learners that the petitioner has implemented at other schools it currently operates.

(b) A local educational agency that has one or more schools identified as a persistently lowest-achieving school pursuant to subdivision (b) of Section 53200, and selects the intervention

1 ~~model in paragraph (2) of subdivision (a) of Section 53202, shall~~
2 ~~consider all of the elements described in subdivision (a) in~~
3 ~~approving a petition for the establishment of a charter school.~~

4 ~~(e) In determining whether to grant a renewal of a charter~~
5 ~~granted pursuant to paragraph (2) of subdivision (a) of Section~~
6 ~~53202, a chartering authority shall evaluate the renewal petition~~
7 ~~pursuant to Sections 47605 and 47607 and shall also consider, as~~
8 ~~one factor, the degree to which a charter school has implemented~~
9 ~~the programs specified in paragraphs (1) to (4), inclusive, of~~
10 ~~subdivision (a).~~

11 *SEC. 2. Section 47605 of the Education Code is amended to*
12 *read:*

13 47605. (a) (1) Except as set forth in paragraph (2), a petition
14 for the establishment of a charter school within a school district
15 may be circulated by one or more persons seeking to establish the
16 charter school. A petition for the establishment of a charter school
17 shall identify a single charter school that will operate within the
18 geographic boundaries of that school district. A charter school
19 may propose to operate at multiple sites within the school district,
20 as long as each location is identified in the charter school petition.
21 The petition may be submitted to the governing board of the school
22 district for review after either of the following conditions are met:

23 (A) The petition has been signed by a number of parents or legal
24 guardians of pupils that is equivalent to at least one-half of the
25 number of pupils that the charter school estimates will enroll in
26 the school for its first year of operation.

27 (B) The petition has been signed by a number of teachers that
28 is equivalent to at least one-half of the number of teachers that the
29 charter school estimates will be employed at the school during its
30 first year of operation.

31 (2) A petition that proposes to convert an existing public school
32 to a charter school that would not be eligible for a loan pursuant
33 to subdivision (b) of Section 41365 may be circulated by one or
34 more persons seeking to establish the charter school. The petition
35 may be submitted to the governing board of the school district for
36 review after the petition has been signed by not less than 50 percent
37 of the permanent status teachers currently employed at the public
38 school to be converted.

39 (3) A petition shall include a prominent statement that a
40 signature on the petition means that the parent or legal guardian

1 is meaningfully interested in having his or her child or ward attend
2 the charter school, or in the case of a teacher's signature, means
3 that the teacher is meaningfully interested in teaching at the charter
4 school. The proposed charter shall be attached to the petition.

5 (4) After receiving approval of its petition, a charter school that
6 proposes to establish operations at one or more additional sites
7 shall request a material revision to its charter and shall notify the
8 authority that granted its charter of those additional locations. The
9 authority that granted its charter shall consider whether to approve
10 those additional locations at an open, public meeting. If the
11 additional locations are approved, they shall be a material revision
12 to the charter school's charter.

13 (5) A charter school that is unable to locate within the
14 jurisdiction of the chartering school district may establish one site
15 outside the boundaries of the school district, but within the county
16 in which that school district is located, if the school district within
17 the jurisdiction of which the charter school proposes to operate is
18 notified in advance of the charter petition approval, the county
19 superintendent of schools and the Superintendent are notified of
20 the location of the charter school before it commences operations,
21 and either of the following circumstances exist:

22 (A) The school has attempted to locate a single site or facility
23 to house the entire program, but a site or facility is unavailable in
24 the area in which the school chooses to locate.

25 (B) The site is needed for temporary use during a construction
26 or expansion project.

27 (6) Commencing January 1, 2003, a petition to establish a charter
28 school may not be approved to serve pupils in a grade level that
29 is not served by the school district of the governing board
30 considering the petition, unless the petition proposes to serve pupils
31 in all of the grade levels served by that school district.

32 (b) No later than 30 days after receiving a petition, in accordance
33 with subdivision (a), the governing board of the school district
34 shall hold a public hearing on the provisions of the charter, at
35 which time the governing board of the school district shall consider
36 the level of support for the petition by teachers employed by the
37 district, other employees of the district, and parents. Following
38 review of the petition and the public hearing, the governing board
39 of the school district shall either grant or deny the charter within
40 60 days of receipt of the petition, provided, however, that the date

1 may be extended by an additional 30 days if both parties agree to
2 the extension. In reviewing petitions for the establishment of
3 charter schools pursuant to this section, the chartering authority
4 shall be guided by the intent of the Legislature that charter schools
5 are and should become an integral part of the California educational
6 system and that establishment of charter schools should be
7 encouraged. The governing board of the school district shall grant
8 a charter for the operation of a school under this part if it is satisfied
9 that granting the charter is consistent with sound educational
10 practice. The governing board of the school district shall not deny
11 a petition for the establishment of a charter school unless it makes
12 written factual findings, specific to the particular petition, setting
13 forth specific facts to support one or more of the following
14 findings:

15 (1) The charter school presents an unsound educational program
16 for the pupils to be enrolled in the charter school.

17 (2) The petitioners are demonstrably unlikely to successfully
18 implement the program set forth in the petition.

19 (3) The petition does not contain the number of signatures
20 required by subdivision (a).

21 (4) The petition does not contain an affirmation of each of the
22 conditions described in subdivision (d).

23 (5) The petition does not contain reasonably comprehensive
24 descriptions of all of the following:

25 (A) (i) A description of the educational program of the school,
26 designed, among other things, to identify those whom the school
27 is attempting to educate, what it means to be an “educated person”
28 in the 21st century, and how learning best occurs. The goals
29 identified in that program shall include the objective of enabling
30 pupils to become self-motivated, competent, and lifelong learners.

31 (ii) If the proposed school will serve high school pupils, a
32 description of the manner in which the charter school will inform
33 parents about the transferability of courses to other public high
34 schools and the eligibility of courses to meet college entrance
35 requirements. Courses offered by the charter school that are
36 accredited by the Western Association of Schools and Colleges
37 may be considered transferable and courses approved by the
38 University of California or the California State University as
39 creditable under the “A” to “G” admissions criteria may be
40 considered to meet college entrance requirements.

1 (B) The measurable pupil outcomes identified for use by the
2 charter school. “Pupil outcomes,” for purposes of this part, means
3 the extent to which all pupils of the school demonstrate that they
4 have attained the skills, knowledge, and attitudes specified as goals
5 in the school’s educational program.

6 (C) The method by which pupil progress in meeting those pupil
7 outcomes is to be measured.

8 (D) The governance structure of the school, including, but not
9 limited to, the process to be followed by the school to ensure
10 parental involvement.

11 (E) The qualifications to be met by individuals to be employed
12 by the school.

13 (F) The procedures that the school will follow to ensure the
14 health and safety of pupils and staff. These procedures shall include
15 the requirement that each employee of the school furnish the school
16 with a criminal record summary as described in Section 44237.

17 (G) The means by which the school will achieve a racial and
18 ethnic balance among its pupils that is reflective of the general
19 population residing within the territorial jurisdiction of the school
20 district to which the charter petition is submitted.

21 (H) Admission requirements, if applicable.

22 (I) The manner in which annual, independent financial audits
23 shall be conducted, which shall employ generally accepted
24 accounting principles, and the manner in which audit exceptions
25 and deficiencies shall be resolved to the satisfaction of the
26 chartering authority.

27 (J) The procedures by which pupils can be suspended or
28 expelled.

29 (K) The manner by which staff members of the charter schools
30 will be covered by the State Teachers’ Retirement System, the
31 Public Employees’ Retirement System, or federal social security.

32 (L) The public school attendance alternatives for pupils residing
33 within the school district who choose not to attend charter schools.

34 (M) A description of the rights of any employee of the school
35 district upon leaving the employment of the school district to work
36 in a charter school, and of any rights of return to the school district
37 after employment at a charter school.

38 (N) The procedures to be followed by the charter school and
39 the entity granting the charter to resolve disputes relating to
40 provisions of the charter.

1 (O) A declaration whether or not the charter school shall be
2 deemed the exclusive public school employer of the employees of
3 the charter school for the purposes of Chapter 10.7 (commencing
4 with Section 3540) of Division 4 of Title 1 of the Government
5 Code.

6 (P) A description of the procedures to be used if the charter
7 school closes. The procedures shall ensure a final audit of the
8 school to determine the disposition of all assets and liabilities of
9 the charter school, including plans for disposing of any net assets
10 and for the maintenance and transfer of pupil records.

11 (Q) *If at least 15 percent of the pupils to be served by the charter*
12 *school are English learners, a description of all of the following:*

13 (i) *The program design that will provide programs and core*
14 *courses to meet the academic, language, and cultural needs of*
15 *English learners at the school.*

16 (ii) *The means by which administrators and staff qualified to*
17 *teach English learners will be hired at the school.*

18 (iii) *The manner in which a relevant outreach program will be*
19 *implemented that reaches parents, assists them in being involved*
20 *in the school and in understanding how the charter school process*
21 *works.*

22 (iv) *The programs and staffing that will be implemented and*
23 *designed to enable non-English-speaking parents to participate*
24 *fully as partners in their children's education at the school.*

25 (v) *If the petitioner currently operates other charter schools,*
26 *the programs designed for English learners that the petitioner has*
27 *implemented at other schools it currently operates.*

28 (c) (1) Charter schools shall meet all statewide standards and
29 conduct the pupil assessments required pursuant to Sections 60605
30 and 60851 and any other statewide standards authorized in statute
31 or pupil assessments applicable to pupils in noncharter public
32 schools.

33 (2) Charter schools shall, on a regular basis, consult with their
34 parents, legal guardians, and teachers regarding the school's
35 educational programs.

36 (d) (1) In addition to any other requirement imposed under this
37 part, a charter school shall be nonsectarian in its programs,
38 admission policies, employment practices, and all other operations,
39 shall not charge tuition, and shall not discriminate against any
40 pupil on the basis of the characteristics listed in Section 220. Except

1 as provided in paragraph (2), admission to a charter school shall
2 not be determined according to the place of residence of the pupil,
3 or of his or her parent or legal guardian, within this state, except
4 that an existing public school converting partially or entirely to a
5 charter school under this part shall adopt and maintain a policy
6 giving admission preference to pupils who reside within the former
7 attendance area of that public school.

8 (2) (A) A charter school shall admit all pupils who wish to
9 attend the school.

10 (B) However, if the number of pupils who wish to attend the
11 charter school exceeds the school's capacity, attendance, except
12 for existing pupils of the charter school, shall be determined by a
13 public random drawing. Preference shall be extended to pupils
14 currently attending the charter school and pupils who reside in the
15 district except as provided for in Section 47614.5. Other
16 preferences may be permitted by the chartering authority on an
17 individual school basis and only if consistent with the law.

18 (C) In the event of a drawing, the chartering authority shall
19 make reasonable efforts to accommodate the growth of the charter
20 school and in no event shall take any action to impede the charter
21 school from expanding enrollment to meet pupil demand.

22 (3) If a pupil is expelled or leaves the charter school without
23 graduating or completing the school year for any reason, the charter
24 school shall notify the superintendent of the school district of the
25 pupil's last known address within 30 days, and shall, upon request,
26 provide that school district with a copy of the cumulative record
27 of the pupil, including a transcript of grades or report card, and
28 health information. This paragraph applies only to pupils subject
29 to compulsory full-time education pursuant to Section 48200.

30 (e) The governing board of a school district shall not require
31 any employee of the school district to be employed in a charter
32 school.

33 (f) The governing board of a school district shall not require
34 any pupil enrolled in the school district to attend a charter school.

35 (g) The governing board of a school district shall require that
36 the petitioner or petitioners provide information regarding the
37 proposed operation and potential effects of the school, including,
38 but not limited to, the facilities to be utilized by the school, the
39 manner in which administrative services of the school are to be
40 provided, and potential civil liability effects, if any, upon the school

1 and upon the school district. The description of the facilities to be
2 used by the charter school shall specify where the school intends
3 to locate. The petitioner or petitioners shall also be required to
4 provide financial statements that include a proposed first-year
5 operational budget, including startup costs, and cashflow and
6 financial projections for the first three years of operation.

7 (h) In reviewing petitions for the establishment of charter
8 schools within the school district, the governing board of the school
9 district shall give preference to petitions that demonstrate the
10 capability to provide comprehensive learning experiences to pupils
11 identified by the petitioner or petitioners as academically low
12 achieving pursuant to the standards established by the department
13 under Section 54032 as it read prior to July 19, 2006.

14 (i) Upon the approval of the petition by the governing board of
15 the school district, the petitioner or petitioners shall provide written
16 notice of that approval, including a copy of the petition, to the
17 applicable county superintendent of schools, the department, and
18 the state board.

19 (j) (1) If the governing board of a school district denies a
20 petition, the petitioner may elect to submit the petition for the
21 establishment of a charter school to the county board of education.
22 The county board of education shall review the petition pursuant
23 to subdivision (b). If the petitioner elects to submit a petition for
24 establishment of a charter school to the county board of education
25 and the county board of education denies the petition, the petitioner
26 may file a petition for establishment of a charter school with the
27 state board, and the state board may approve the petition, in
28 accordance with subdivision (b). A charter school that receives
29 approval of its petition from a county board of education or from
30 the state board on appeal shall be subject to the same requirements
31 concerning geographic location to which it would otherwise be
32 subject if it received approval from the entity to which it originally
33 submitted its petition. A charter petition that is submitted to either
34 a county board of education or to the state board shall meet all
35 otherwise applicable petition requirements, including the
36 identification of the proposed site or sites where the charter school
37 will operate.

38 (2) In assuming its role as a chartering agency, the state board
39 shall develop criteria to be used for the review and approval of
40 charter school petitions presented to the state board. The criteria

1 shall address all elements required for charter approval, as
2 identified in subdivision (b) and shall define “reasonably
3 comprehensive” as used in paragraph (5) of subdivision (b) in a
4 way that is consistent with the intent of this part. Upon satisfactory
5 completion of the criteria, the state board shall adopt the criteria
6 on or before June 30, 2001.

7 (3) A charter school for which a charter is granted by either the
8 county board of education or the state board based on an appeal
9 pursuant to this subdivision shall qualify fully as a charter school
10 for all funding and other purposes of this part.

11 (4) If either the county board of education or the state board
12 fails to act on a petition within 120 days of receipt, the decision
13 of the governing board of the school district to deny a petition
14 shall, thereafter, be subject to judicial review.

15 (5) The state board shall adopt regulations implementing this
16 subdivision.

17 (6) Upon the approval of the petition by the county board of
18 education, the petitioner or petitioners shall provide written notice
19 of that approval, including a copy of the petition to the department
20 and the state board.

21 (k) (1) The state board may, by mutual agreement, designate
22 its supervisory and oversight responsibilities for a charter school
23 approved by the state board to any local educational agency in the
24 county in which the charter school is located or to the governing
25 board of the school district that first denied the petition.

26 (2) The designated local educational agency shall have all
27 monitoring and supervising authority of a chartering agency,
28 including, but not limited to, powers and duties set forth in Section
29 47607, except the power of revocation, which shall remain with
30 the state board.

31 (3) A charter school that has been granted its charter through
32 an appeal to the state board and elects to seek renewal of its charter
33 shall, prior to expiration of the charter, submit its petition for
34 renewal to the governing board of the school district that initially
35 denied the charter. If the governing board of the school district
36 denies the school’s petition for renewal, the school may petition
37 the state board for renewal of its charter.

38 (l) Teachers in charter schools shall hold a Commission on
39 Teacher Credentialing certificate, permit, or other document
40 equivalent to that which a teacher in other public schools would

1 be required to hold. These documents shall be maintained on file
2 at the charter school and are subject to periodic inspection by the
3 chartering authority. It is the intent of the Legislature that charter
4 schools be given flexibility with regard to noncore, noncollege
5 preparatory courses.

6 (m) A charter school shall transmit a copy of its annual,
7 independent financial audit report for the preceding fiscal year, as
8 described in subparagraph (I) of paragraph (5) of subdivision (b),
9 to its chartering entity, the Controller, the county superintendent
10 of schools of the county in which the charter school is sited, unless
11 the county board of education of the county in which the charter
12 school is sited is the chartering entity, and the department by
13 December 15 of each year. This subdivision does not apply if the
14 audit of the charter school is encompassed in the audit of the
15 chartering entity pursuant to Section 41020.

16 *SEC. 2. Section 47607 of the Education Code is amended to*
17 *read:*

18 47607. (a) (1) A charter may be granted pursuant to Sections
19 47605, 47605.5, and 47606 for a period not to exceed five years.
20 A charter granted by a school district governing board, a county
21 board of education or the state board, may be granted one or more
22 subsequent renewals by that entity. Each renewal shall be for a
23 period of five years. A material revision of the provisions of a
24 charter petition may be made only with the approval of the
25 authority that granted the charter. The authority that granted the
26 charter may inspect or observe any part of the charter school at
27 any time.

28 (2) Renewals and material revisions of charters are governed
29 by the standards and criteria in Section 47605, and shall include,
30 but not be limited to, a reasonably comprehensive description of
31 any new requirement of charter schools enacted into law after the
32 charter was originally granted or last renewed.

33 (b) Commencing on January 1, 2005, or after a charter school
34 has been in operation for four years, whichever date occurs later,
35 a charter school shall meet at least one of the following criteria
36 prior to receiving a charter renewal pursuant to paragraph (1) of
37 subdivision (a):

38 (1) Attained its Academic Performance Index (API) growth
39 target in the prior year or in two of the last three years, or in the
40 aggregate for the prior three years.

1 (2) Ranked in deciles 4 to 10, inclusive, on the API in the prior
2 year or in two of the last three years.

3 (3) Ranked in deciles 4 to 10, inclusive, on the API for a
4 demographically comparable school in the prior year or in two of
5 the last three years.

6 (4) (A) The entity that granted the charter determines that the
7 academic performance of the charter school is at least equal to the
8 academic performance of the public schools that the charter school
9 pupils would otherwise have been required to attend, as well as
10 the academic performance of the schools in the school district in
11 which the charter school is located, taking into account the
12 composition of the pupil population that is served at the charter
13 school.

14 (B) The determination made pursuant to this paragraph shall be
15 based upon all of the following:

16 (i) Documented and clear and convincing data.

17 (ii) Pupil achievement data from assessments, including, but
18 not limited to, the Standardized Testing and Reporting Program
19 established by Article 4 (commencing with Section 60640) for
20 demographically similar pupil populations in the comparison
21 schools.

22 (iii) Information submitted by the charter school.

23 (iv) *If at least 15 percent of the pupils served by the charter*
24 *school are English learners, the degree to which the school has*
25 *implemented the programs specified in subparagraph (Q) of*
26 *paragraph (5) of subdivision (b) of Section 47605.*

27 (C) A chartering authority shall submit to the Superintendent
28 copies of supporting documentation and a written summary of the
29 basis for any determination made pursuant to this paragraph. The
30 Superintendent shall review the materials and make
31 recommendations to the chartering authority based on that review.
32 The review may be the basis for a recommendation made pursuant
33 to Section 47604.5.

34 (D) A charter renewal may not be granted to a charter school
35 prior to 30 days after that charter school submits materials pursuant
36 to this paragraph.

37 (5) Has qualified for an alternative accountability system
38 pursuant to subdivision (h) of Section 52052.

39 (c) A charter may be revoked by the authority that granted the
40 charter under this chapter if the authority finds, through a showing

1 of substantial evidence, that the charter school did any of the
2 following:

3 (1) Committed a material violation of any of the conditions,
4 standards, or procedures set forth in the charter.

5 (2) Failed to meet or pursue any of the pupil outcomes identified
6 in the charter.

7 (3) Failed to meet generally accepted accounting principles, or
8 engaged in fiscal mismanagement.

9 (4) Violated any provision of law.

10 (d) Prior to revocation, the authority that granted the charter
11 shall notify the charter public school of any violation of this section
12 and give the school a reasonable opportunity to remedy the
13 violation, unless the authority determines, in writing, that the
14 violation constitutes a severe and imminent threat to the health or
15 safety of the pupils.

16 (e) Prior to revoking a charter for failure to remedy a violation
17 pursuant to subdivision (d), and after expiration of the school's
18 reasonable opportunity to remedy without successfully remedying
19 the violation, the chartering authority shall provide a written notice
20 of intent to revoke and notice of facts in support of revocation to
21 the charter school. No later than 30 days after providing the notice
22 of intent to revoke a charter, the chartering authority shall hold a
23 public hearing, in the normal course of business, on the issue of
24 whether evidence exists to revoke the charter. No later than 30
25 days after the public hearing, the chartering authority shall issue
26 a final decision to revoke or decline to revoke the charter, unless
27 the chartering authority and the charter school agree to extend the
28 issuance of the decision by an additional 30 days. The chartering
29 authority shall not revoke a charter, unless it makes written factual
30 findings supported by substantial evidence, specific to the charter
31 school, that support its findings.

32 (f) (1) If a school district is the chartering authority and it
33 revokes a charter pursuant to this section, the charter school may
34 appeal the revocation to the county board of education within 30
35 days following the final decision of the chartering authority.

36 (2) The county board may reverse the revocation decision if the
37 county board determines that the findings made by the chartering
38 authority under subdivision (e) are not supported by substantial
39 evidence. The school district may appeal the reversal to the state
40 board.

1 (3) If the county board does not issue a decision on the appeal
2 within 90 days of receipt, or the county board upholds the
3 revocation, the charter school may appeal the revocation to the
4 state board.

5 (4) The state board may reverse the revocation decision if the
6 state board determines that the findings made by the chartering
7 authority under subdivision (e) are not supported by substantial
8 evidence. The state board may uphold the revocation decision of
9 the school district if the state board determines that the findings
10 made by the chartering authority under subdivision (e) are
11 supported by substantial evidence.

12 (g) (1) If a county office of education is the chartering authority
13 and the county board revokes a charter pursuant to this section,
14 the charter school may appeal the revocation to the state board
15 within 30 days following the decision of the chartering authority.

16 (2) The state board may reverse the revocation decision if the
17 state board determines that the findings made by the chartering
18 authority under subdivision (e) are not supported by substantial
19 evidence.

20 (h) If the revocation decision of the chartering authority is
21 reversed on appeal, the agency that granted the charter shall
22 continue to be regarded as the chartering authority.

23 (i) During the pendency of an appeal filed under this section, a
24 charter school, whose revocation proceedings are based on
25 paragraph (1) or (2) of subdivision (c), shall continue to qualify
26 as a charter school for funding and for all other purposes of this
27 part, and may continue to hold all existing grants, resources, and
28 facilities, in order to ensure that the education of pupils enrolled
29 in the school is not disrupted.

30 (j) Immediately following the decision of a county board to
31 reverse a decision of a school district to revoke a charter, the
32 following shall apply:

33 (1) The charter school shall qualify as a charter school for
34 funding and for all other purposes of this part.

35 (2) The charter school may continue to hold all existing grants,
36 resources, and facilities.

37 (3) Any funding, grants, resources, and facilities that had been
38 withheld from the charter school, or that the charter school had
39 otherwise been deprived of use, as a result of the revocation of the
40 charter shall be immediately reinstated or returned.

1 (k) A final decision of a revocation or appeal of a revocation
2 pursuant to subdivision (c) shall be reported to the chartering
3 authority, the county board, and the department.

4 *SEC. 4. Section 53202 of the Education Code is amended to*
5 *read:*

6 53202. (a) For purposes of implementing the federal Race to
7 the Top program established by Sections 14005 and 14006 of Title
8 XIV of the federal American Recovery and Reinvestment Act of
9 2009 (Public Law 111-5), the governing board of a school district,
10 county superintendent of schools, or the governing body of a
11 charter school or its equivalent, shall implement, for any school
12 identified by the Superintendent as persistently lowest-achieving
13 pursuant to subdivision (b) of Section 53200, unless the
14 Superintendent and the state board determines, to the extent
15 allowable under federal law, that the school has implemented a
16 reform within the last two years that conforms to the requirements
17 of the interventions required by the Race to the Top program and
18 is showing significant progress, one of the following four
19 interventions for turning around persistently lowest-achieving
20 schools described in Appendix C of the Notice of Final Priorities,
21 Requirements, Definitions, Selection Criteria for the Race to the
22 Top program published in Volume 74 of Number 221 of the
23 Federal Register on November 18, 2009:

24 (1) The turnaround model.

25 (2) The restart model.

26 (3) School closure.

27 (4) The transformation model.

28 (b) Prior to the governing board meeting to select one of the
29 four interventions described in subdivision (a), the governing board
30 of a school district, county superintendent of schools, or the
31 governing body of a charter school or its equivalent, with one or
32 more persistently lowest-achieving schools shall hold at least two
33 public hearings to notify staff, parents, and the community of the
34 designation and to seek input from staff, parents, and the
35 community regarding the option or options most suitable for the
36 applicable school or schools in its jurisdiction. At least one of those
37 public hearings shall be held at a regularly scheduled meeting, if
38 applicable, and at least one of the public hearings shall be held on
39 the site of a school deemed persistently lowest-achieving.

(c) In addition to meeting the requirements specified in Appendix C of the Notice of Final Priorities, Requirements, Definitions, Selection Criteria for the Race to the Top program published in Volume 74 of Number 221 of the Federal Register on November 18, 2009, a persistently lowest-achieving school implementing the turnaround or transformation model may participate in a school-to-school partnership program by working with a mentor school that has successfully transitioned from a low-achieving school to a higher-achieving school.

(1) For purposes of this article, a mentor school is a school that meets either of the following:

(A) The school has exited Program Improvement pursuant to the No Child Left Behind Act.

(B) The school has increased, in the statewide rankings based on the Academic Performance Index, by two or more deciles over the last five years, using the most recent data available.

(2) The principal and, at the discretion of the principal, the staff of a mentor school shall provide guidance to a persistently lowest-achieving school to develop a reform plan for the school using the required elements of the turnaround or transformation model, and provide guidance and advice on how the mentor school was able to transform the culture of the school from low-achieving to higher-achieving and how that transformation could be replicated at the school implementing a turnaround or transformation model.

(3) To the extent that federal funds are made available for this purpose pursuant to subdivision (c) of Section 53101, the mentor school shall receive funds for serving as a mentor school. As a condition for receipt of funds, the principal, and at the principal's discretion, the staff, of a mentor school shall meet regularly with the assigned persistently lowest-achieving school for a period of at least three years.

(d) A petition for the establishment of a charter school pursuant to paragraph (2) of subdivision (a) shall meet the requirements specified in Section 47605, and, for the renewal of the charter, the petition shall meet the provisions of Section 47607.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made

- 1 *pursuant to Part 7 (commencing with Section 17500) of Division*
- 2 *4 of Title 2 of the Government Code.*

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